

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Region Annex  
4041 N. Richards Street, Box 12436  
Milwaukee, WI 53212-0436  
TELEPHONE 414-229-0800  
FAX 414-229-0810

March 31, 1997

Ms. Nancy Shapiro  
7102 West Cody Circle  
Milwaukee, Wisconsin 53223

SUBJECT: Request for closure, Estate of Nelda Duescher, 286 North Fairview Avenue, North Prairie, Wisconsin. BRR-LUST FID#268512530, BRRT#03-68-106272.

Dear Ms. Shapiro:

At the request of your environmental consultant, Superior Environmental, Corp. (Superior), we have reviewed the referenced case file for closure. Superior has requested closure of this site under the new closure flexibility regulations, because groundwater monitoring well MW-1 contains benzene concentrations above the § NR 140, Wisconsin Administrative Code (WAC) enforcement standard (ES). The concentration of benzene in monitoring well MW-1 is 23 parts per billion (ppb), respectively, during the last sampling round in November of 1996. We concur with Superior's recommendation of case closure and require no further action at this site based on the following:

1. The source of contamination has been removed.
2. The concentrations of benzene in MW-1 is relatively low, based on the groundwater monitoring data provided.
3. The benzene concentrations will naturally attenuate to concentrations below the ch. NR 140 ES within a reasonable period of time, without causing an exceedance of the ES for benzene beyond the property boundary.

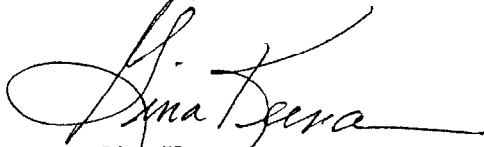
To complete the closure of this site, you must place a groundwater use restriction on the property deed at the county register of deeds office which specifies the legal description of the property, the location, type and concentration of the contaminants and includes the following language:

"Natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property. construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by chs. NR 811 and 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply. Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater to determine what specific requirements are applicable prior to constructing or reconstructing a well on this property."

Within sixty days, all of the groundwater monitoring wells at the site must be abandoned in accordance with ch. NR 141 and the completed abandonment forms must be submitted to the department. Once the department receives the abandonment forms and documentation that the groundwater use restriction has been placed on the property deed, this case will be tracked as closed on the department's tracking system.

If you have any questions regarding this letter, you may contact me at the above address or at (414) 229-0839.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina Keenan", with a large, stylized initial "G" and a long horizontal flourish extending to the right.

Gina Keenan  
Hydrogeologist

c: Superior Environmental, Inc.  
SED case file

DOCUMENT NO.

**REAL ESTATE  
USE RESTRICTION**

The undersigned Personal Representative of the Estate of Nelda A. Duescher a/k/a Nelda F. Duescher, owner of the real estate as hereinafter described, does hereby create and declare a use restriction on the property as hereinafter described concerning the concentration of benzene in a portion of the real estate located basically in an area as indicated by the former UST location on the attached graph and in which concentration is 17 parts per billion as of February, 1997; and does further state that natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property. Construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by chs. NR 811 and 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply. Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater to determine what specific requirements are applicable prior to constructing or reconstructing a well on this property.

**WAUKESHA COUNTY**  
Register of Deeds  
0000261275 - 04/10/97 - 146

RESTRICTION  
2000371 51 \$12.00

Cash/Check Total \$12.00  
Cash Tendered \$0.00  
Check Tendered \$12.00  
Change Due \$0.00

Michael J. Hasslinger  
Register of Deeds

Nancy F. Schapiro  
7102 West Cody Circle  
Milwaukee, WI 53223

Tax Key No. NPV 1564-006

This restriction shall be effective as of April 1, 1997 and continue in perpetuity. The real estate is described as follows:

Lot 6 of Harvey Subdivision in the Village of North Prairie, being part of the Northeast and Southeast ¼'s of the Southeast ¼ of Section 31, in Township 6 North, Range 18 East, in the Town of Genesee, according to the recorded plat thereof.

Dated this 8th day of April, 1997.

Nancy F. Schapiro  
Nancy F. Schapiro, as Personal Representative of the  
Estate of Nelda A. Duescher a/k/a Nelda F. Duescher

**ACKNOWLEDGMENT**

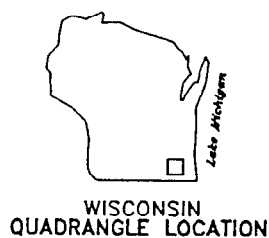
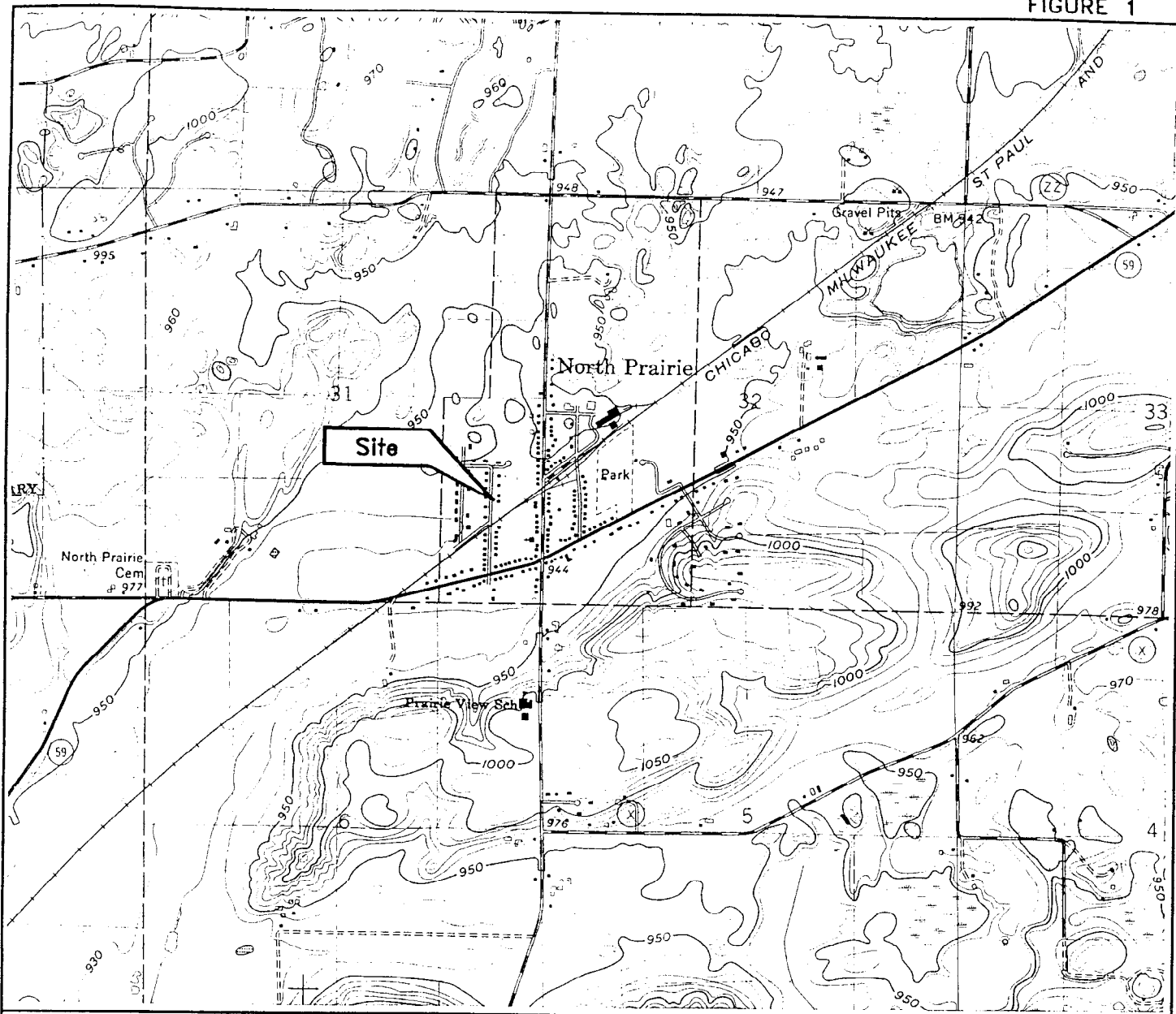
STATE OF WISCONSIN )  
 ) SS.  
MILWAUKEE COUNTY )

Personally came before me this 8th day of April, 1997, the above named Nancy F. Schapiro to me known to be the person who executed the foregoing instrument and acknowledge the same.

Thomas J. Schoendorf  
Notary Public, State of Wisconsin.  
My Commission expires: Permanent

This instrument was drafted by  
Thomas J. Schoendorf.

FIGURE 1



0 2000 feet 4000'

## SITE LOCATION MAP

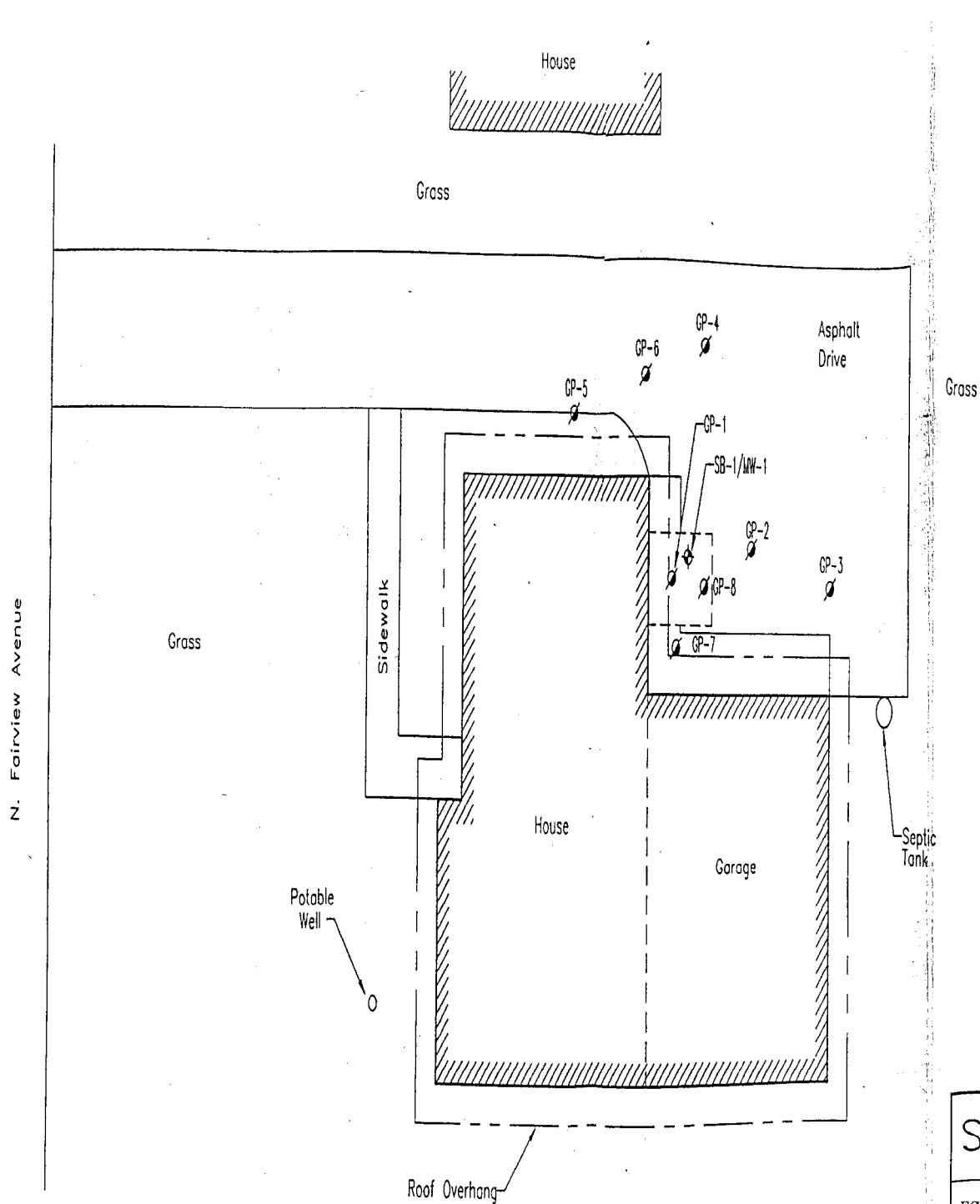
*ESTATE OF NELDA DUESCHER*  
286 N. Fairview Avenue  
SE 1/4, SE 1/4, Section 31,  
Township 6N., Range 18E.,  
Village of North Prairie  
Waukesha County, Wisconsin

Adapted from 7.5 minute topographic quadrangle:  
Eagle, 1960 photorevised 1971

**Superior**  
ENVIRONMENTAL CORP

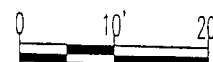
WA 1135.00

FIGURE 2



LEGEND

- Geoprobe Boring Location
- Monitoring Well Location



SITE LAYOUT

ESTATE OF NELDA DUESCHER

286 N. Fairview Ave.  
North Prairie, Wisconsin

PRJ MGR	MDA	SCALE AS SHOWN
PROJ #	WA1135.03	DRAWN BY BKH
Superior		DRAWN 6-11-96
ENVIRONMENTAL CORP		REV 8-29-96
		DRW #LAYOUT 1

Adapted from field notes; not a legal survey.

TABLE 1

**GROUNDWATER LABORATORY ANALYTICAL RESULTS**  
**Estate of Nelda Duescher**  
**Concentrations Expressed In Micrograms Per Liter (µg/L)**

Sample ID	Date Collected	Benzene	Toluene	Ethyl Benzene	Xylene	1,2,4 Trimethyl Benzene	1,3,5 Trimethyl Benzene	MTBE	DRO <sup>(1)</sup>
MW-1	11/6/96	23	69	43	150	69	22	<13	2.9
MW-1	2/4/97	17	23	42	79	76	26	<25	13
WDNR E.S. <sup>(2)</sup>		5.0	343	700	620	N.S.	N.S.	60	N.S.
WDNR P.A.L. <sup>(3)</sup>		0.5	68.6	140	124	N.S.	N.S.	12	N.S.

MTBE Methyl Tertiary Butyl Ether

DRO Diesel Range Organics

(1) Concentrations expressed in milligrams per liter (mg/L)

(2) Enforcement Standard from Wisconsin Administrative Code NR 140, March, 1994

(3) Preventative Action Limit from Wisconsin Administrative Code NR 140, March, 1994

N.S. No standard established in the Wisconsin Administrative Code

Concentration exceeds enforcement standard